UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,680	02/25/2002	Kai Sjoblom	915-004.7	9437

4955	7590	11/28/2006

WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER
HO, DUC CHI

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/083,680	SJOBLOM, KAI
	Examiner	Art Unit	
	Duc C. Ho	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-6, 10, 12-15, and 20-36* is/are rejected.

7)☒ Claim(s) *2,7-9,11 and 16-19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Claim Objections

1.   Claims 1-9 and 35-36 are objected to because of the following informalities: (1)
Regarding claim 1, " said communication packets" should be changed to --- said
communication content packets --- for consistency with the language of the claim. The
same remark applies to claim 35, lines 4, and 8. (2) Regarding claim 35-line 6, it is
unclear as to which intercepted communication that "same intercepted communication"
is referring to.

        Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3-6,10, 12-15, and 20-34 are rejected under 35 U.S.C. 103(a) as being
unpatentable over figure 1, pages 3-5 of the Admitted Prior Art of the instant application,
hereinafter referred to as the APA, in view of Garfinkel (US 6,678,270), and further in
view of.

        Regarding claim 1, the APA discloses in fig. 1 a reference configuration for the
lawful interception for GPRS.

The GSN3-fig.1 receives a request from the ADMF to generate interception related information, and content of corresponding information for delivering to the Law Enforcement Agency (LEA) via the IRI delivery function and CC delivery function, respectively, see page 3-line 16 to page 4-line 26 (corresponding to generating interception related information packets from a communication or network activity to be intercepted; generating communication content packets from said communication or network activity to be intercepted; transmitting said interception related information packets, said communication packets to an interception authority device).

The APA, however, does not expressly disclose (1) providing identification data for said interception related packets and/or for said communication content packets of one group of communication packets (2) providing ordering data for each of said interception related information data packets and/or for each of said communication content packets which are generated in the generating step.

One skill in the art would recognize the advantage of employing a mechanism (1) to provide identification to all intercepted packets and/or for the communication content packets of one group of communication packets, and (2) to provide ordering data for each of the intercepted packets and/or for each of the communication content packets, so that the identification of the intercepted packets will be identified by a session identifier, and based on that the system can provide an order of the intercepted packets associated with the communication content packet for examination.

Garfinkel discloses packet interception system including arrangement facilitating authentication of intercepted packets. After receiving a packet, the packet processor 21-fig.1 of the intercept system 10-fig.1 provides time stamp at which the packet was

intercepted. The processed packet store 22 includes header 30-fig.2, wherein the

intercept header field 32 includes information such as, for example, the identification of

the packet interception system 10 and an intercept session identifier, see col. 3-line 44

to col. 4-line 51(corresponding to (1)). The intercept system 10-fig.1 is also capable of

ordering data associated with the contents of intercepted packets for reviewing or for

examination, see col.4, lines 5-23 (corresponding to (2)).

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to combine the APA with Garfinkel.

The suggestion/motivation for doing so would have been to provide identification

by session identifier for intercepted packets and for the contents of the intercepted

packets, and based on that the system can provide data of the intercepted packets

associated with the communication content packet for examination, and/or for

transmission to an interception authority device.

Therefore, it would have been obvious to combine the APA with Garfinkel to

obtain the invention as specified in claim 1.

Regarding claim 3, Garfinkel discloses the identification data is a session

identification data.

Regarding claim 4, the identification is obtain in the GSN 3-fig.1 of the APA via

the packet processor 21-fig.1 of Garfinkel.

Regarding claim 5, in Garfinkel a reviewer is capable of ordering data which are

incremented for each sequential packet, see col. 4, lines 5-23.

Regarding claim 6, in Garfinkel time stamp is provided to each intercepted packet.

Regarding claim 10, the APA discloses in fig. 1 a reference configuration for the lawful interception for GPRS. The GSN3-fig.1 of the APA is one first network element for intercepting a communication; the LEA1-fig.1 is an interception authority device; and the GSN3-fig.1 should comprise a packet generator for generating interception related information packets from a communication or network activity to be intercepted; another packet generator for generating communication content packets from the communication or network activity to be intercepted; and a transmitter for transmitting the intercepted packets and the content packets to the interception authority device ADMF 2-1; see page 3-line 16 to page 4-line 26 (corresponding to at least one first network element for intercepting a communication; at least one first network element for intercepting a communication; wherein said first network element comprises a first packet generator for generating interception related information packets from a communication or network activity to be intercepted; and/or a second packet for generating communication content packets from said communication or network activity to be intercepted; a transmitter for transmitting said interception related information packets and said communication content packets to said interception authority device).

The APA, however, does not teach the GSN3-fig.1 comprising: (1) an identification data generator for generating an identification data for said interception related information packets and/or said communication content packets associated to

said communication; (2) an ordering data generator for providing ordering data for each

of said interception related information data packets and/or each of said

communication content packets which are generated by said first and/or second packet

generator.

One skill in the art would recognize the advantage of employing a (1)

identification data generator to provide identification to all intercepted packets and/or

for the communication content packets of one group of communication packets, and (2)

an ordering data generator to provide ordering data for each of the intercepted packets

and/or for each of the communication content packets, so that the identification of the

intercepted packets will be identified by a session identifier, and based on that the

system can provide an order of the intercepted packets associated with the

communication content packet for examination.

Garfinkel discloses packet interception system including arrangement facilitating

authentication of intercepted packets. After receiving a packet, the packet processor

21-fig.1 of the intercept system 10-fig.1 provides time stamp at which the packet was

intercepted. The processed packet store 22 includes header 30-fig.2, wherein the

intercept header field 32 includes information such as, for example, the identification of

the packet interception system 10 and an intercept session identifier, see col. 3-line 44

to col. 4-line 51(corresponding to (1)). The intercept system 10-fig.1 is also capable of

ordering data associated with the contents of intercepted packets for reviewing or for

examination, see col.4, lines 5-23 (corresponding to (2)).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the APA with Garfinkel.

The suggestion/motivation for doing so would have been to provide identification by session identifier for intercepted packets and for the contents of the intercepted packets, and based on that the system can provide data of the intercepted packets associated with the communication content packet for examination, and/or for transmission to an interception authority device.

Therefore, it would have been obvious to combine the APA with Garfinkel to obtain the invention as specified in claim 1.

Regarding claims 12-15, these claims have similar limitations as claims 3-6, respectively. Therefore, they are rejected under the APA-Garfinkel for the same reasons set forth in the rejection of claims 3-6.

Regarding claim 20, this claim has similar limitations as claim 1. Therefore, it is rejected under the APA-Garfinkel for the same reasons set forth in the rejection of claim 1.

Regarding claim 21, the transmitter 2-2 and 2-3 of the APA-fig.1 are capable of transmitting the intercepted packets and the examining packets modified with the identification data of Garfinkel to the LEA-1 of the APA.

Regarding claim 22, in the APA the GSN3-fig.1 is a network element.

Regarding claim 23, the GSN3-fig.1 of the APA may be a serving general radio system support node.

Regarding claim 24, the GSN 3-fig.1 of the APA may be a gateway general packet radio system support node.

Regarding claim 25, the APA discloses an intercepted node GSN3-fig.1 for performing a lawful interception in a packet network. The IRI 2-2, and the CC 2-3 both function as a transmitter and a detector. The detector detects intercept related information to the communication to be intercepted and creates data packets. However, the APA does not expressly teach (1) an identifier generator, and (2) an ordering device.

Garfinkel discloses packet interception system including arrangement facilitating authentication of intercepted packets. After receiving a packet, the packet processor 21-fig.1 of the intercept system 10-fig.1 provides time stamp at which the packet was intercepted. The processed packet store 22 includes header 30-fig.2, wherein the intercept header field 32 includes information such as, for example, the identification of the packet interception system 10 and an intercept session identifier, see col. 3-line 44 to col. 4-line 51(corresponding to (1)). The intercept system 10-fig.1 is also capable of ordering data associated with the contents of intercepted packets for reviewing or for examination, see col.4, lines 5-23 (corresponding to (2)).

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ the packet processor and processed packet store as taught by Garfinkel into the system of the APA so that the identification of intercepted packets can be used for ordering data for examination, and/or for transmission to an interception authority device as requested.

Regarding claims 26-29, these claims have similar limitations as claims 21-24, respectively. Therefore, they are rejected under the APA-Garfinkel for the same reasons set forth in the rejection of claims 21-24.

Regarding claim 30, this claim has similar limitations as claim 25. Therefore, it is rejected under the APA-Garfinkel for the same reasons set forth in the rejection of claim 25.

Regarding claims 31-34, these claims have similar limitations as claims 21-24, respectively. Therefore, they are rejected under the APA-Garfinkel for the same reasons set forth in the rejection of claims 21-24.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Garfinkel (U.S 6,678,270).

Regarding claim 35, Garfinkel discloses packet interception system including arrangement facilitating authentication of intercepted packets.

a receiver, which receives packets, comprising interception related information

packets and/or communication packets, identification data and ordering data (packet

intercept system 10-fig.1, see col.3-line 12 to col.4-line 23);

an identifier detector, which detects the identifier data identifying packets that

belongs to same intercepted communication (packet processor 21-fig.1); *and*

an ordering device for ordering the received interception related information

packets and/or communication packets based to the ordering data (processed packet

store 22-fig.1).

Regarding claim 36, the packet intercept system 10-fig.1 is a device of the LEA.

Response to Arguments

6.   Applicant's arguments with respect to claims 1, 10, 20, 25, 30, and 35 have been

considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

7.   Claims 2, 7-9, 11, and 16-19 are objected to as being independent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Duc Ho whose telephone number is (571) 272-3147.

The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30

pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

11-22-06

Duc Ho